

By: Representative Montgomery (15th)

To: Judiciary A

HOUSE BILL NO. 416

1 AN ACT TO AMEND SECTIONS 95-11-1, 95-11-3, 95-11-5 AND  
2 95-11-7, MISSISSIPPI CODE OF 1972, TO PROVIDE CIVIL LIABILITY  
3 EXEMPTIONS FOR CERTAIN SPONSORS OF LIVESTOCK SHOWS; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 95-11-1, Mississippi Code of 1972, is  
7 amended as follows:

8 95-11-1. The Legislature recognizes that persons who  
9 participate in livestock shows or equine activities may incur  
10 injuries as a result of the risks involved in such activities.  
11 The Legislature also finds that the state and its citizens derive  
12 numerous economic and personal benefits from such activities. The  
13 Legislature finds, determines and declares that this chapter is  
14 necessary for the immediate preservation of the public peace,  
15 health and safety. It is, therefore, the intent of the  
16 Legislature to encourage livestock shows and equine activities by  
17 limiting the civil liability of those involved in such activities.

18 **SECTION 2.** Section 95-11-3, Mississippi Code of 1972, is  
19 amended as follows:

20 95-11-3. As used in this chapter, the following words and  
21 phrases shall have the meanings ascribed herein unless the context  
22 clearly indicates otherwise:

23 (a) "Engages in livestock shows or equine activity"  
24 means riding, training, providing or assisting in providing  
25 medical treatment of, driving, or being a passenger upon an equine  
26 or other livestock, whether mounted or unmounted, or any person  
27 assisting a participant or show management. The term "engages in  
28 livestock shows or equine activity" does not include being a



29 spectator at a livestock show or equine activity, except in cases  
30 where the spectator places himself in an unauthorized area and in  
31 immediate proximity to the livestock show or equine activity.

32 (b) "Equine" means a horse, pony, mule, donkey or  
33 hinny.

34 (c) "Livestock" means equines, cattle, swine, sheep and  
35 goats.

36 (d) "Livestock shows or equine activity" means:

37 (i) Livestock or equine shows, fairs,  
38 competitions, performances or parades that involve any or all  
39 breeds of livestock or equines and any of the equine disciplines,  
40 including, but not limited to, dressage, hunter and jumper horse  
41 shows, grand prix jumping, three-day events, combined training,  
42 rodeos, driving, pulling, cutting, polo, steeplechasing, English  
43 and Western performance riding, endurance trail riding, western  
44 games and hunting.

45 (ii) Equine or livestock training or teaching  
46 activities, or both.

47 (iii) Boarding equines or livestock.

48 (iv) Riding, inspecting, or evaluating an equine  
49 or livestock belonging to another, whether or not the owner has  
50 received some monetary consideration or other thing of value for  
51 the use of the equine or livestock or is permitting a prospective  
52 purchaser of the equine or livestock to ride, inspect or evaluate  
53 the equine or livestock.

54 (v) Rides, trips, hunts, or other equine or  
55 livestock activities of any type however informal or impromptu  
56 that are sponsored by an equine or livestock activity sponsor.

57 (vi) Placing or replacing horseshoes on an equine.

58 (vii) Examining or administering medical treatment  
59 to an equine or livestock by a veterinarian.

60 (e) "Equine or livestock activity sponsor" means an  
61 individual, group, club, partnership or corporation, whether or



62 not the sponsor is operating for profit or nonprofit, which  
63 sponsors, organizes or provides the facilities for an equine  
64 activity or livestock show, including, but not limited to, pony  
65 clubs, 4-H clubs, hunt clubs, riding clubs, school and college  
66 sponsored classes, programs, and operators, instructors, and  
67 promoters of equine or livestock facilities, including, but not  
68 limited to, stables, clubhouses, pony ride strings, fairs and  
69 arenas at which the activity is held.

70 (f) "Equine or livestock professional" means a person  
71 engaged for compensation in:

72 (i) Instructing a participant or renting to a  
73 participant, an equine or livestock for the purpose of riding,  
74 driving or being a passenger upon the equine.

75 (ii) Renting equipment or tack to a participant.

76 (iii) Examining or administering medical treatment  
77 to an equine or livestock as a veterinarian.

78 (g) "Inherent risks of equine or livestock activities"  
79 means those dangers or conditions which are an integral part of  
80 equine or livestock activities, including, but not limited to:

81 (i) The propensity of an equine or livestock to  
82 behave in ways that may result in injury, harm or death to persons  
83 on or around them.

84 (ii) The unpredictability of an equine's or  
85 livestock's reaction to such things as sounds, sudden movement and  
86 unfamiliar objects, persons or other animals.

87 (iii) Certain hazards such as surface and  
88 subsurface conditions.

89 (iv) Collisions with other equines or livestock or  
90 objects.

91 (v) The potential of a participant to act in a  
92 negligent manner that may contribute to injury to the participant  
93 or others, such as failing to maintain control over the animal or  
94 not acting within his or her ability.



95           (h) "Participant" means any person, whether amateur or  
96 professional, who engages in an equine activity or livestock show,  
97 whether or not a fee is paid to participate in the equine activity  
98 or livestock show.

99           **SECTION 3.** Section 95-11-5, Mississippi Code of 1972, is  
100 amended as follows:

101           95-11-5. (1) Except as provided in subsection (2) of this  
102 section, an equine or livestock activity sponsor, an equine or  
103 livestock professional, or any other person, which shall include a  
104 corporation or partnership, shall not be liable for an injury to  
105 or the death of a participant resulting from the inherent risks of  
106 equine activities or livestock shows and, except as provided in  
107 subsection (2) of this section, a participant's representative  
108 shall not make any claim against, or recover from an equine or  
109 livestock professional, or any other person for injury, loss,  
110 damage or death of the participant resulting from any of the  
111 inherent risks of equine activities or livestock shows.

112           (2) Nothing in subsection (1) of this section shall prevent  
113 or limit the liability of an equine or livestock activity sponsor,  
114 an equine or livestock professional or any other person if the  
115 equine or livestock activity sponsor, equine or livestock  
116 professional or person:

117           (a) (i) Provided the equipment or tack and knew or  
118 should have known that the equipment or tack was faulty, and such  
119 equipment or tack was faulty to the extent that it did cause the  
120 injury.

121           (ii) Provided the equine or livestock and failed  
122 to make reasonable and prudent efforts to determine the ability of  
123 the participant to engage safely in the equine activity or  
124 livestock show and to safely manage the particular equine or  
125 livestock based on the participant's representations of his  
126 ability.



127           (b) Owns, leases, rents or otherwise is in lawful  
128 possession and control of the land or facilities upon which the  
129 participant sustained injuries because of a dangerous latent  
130 condition which was known or should have been known to the equine  
131 or livestock activity sponsor, equine or livestock professional or  
132 person, and for which warning signs have not been conspicuously  
133 posted.

134           (c) Commits an act or omission that constitutes willful  
135 or wanton disregard for the safety of the participant, and that  
136 act or omission caused the injury.

137           (d) Intentionally injures the participant.

138           (3) Nothing in subsection (1) of this section shall prevent  
139 or limit the liability of an equine or livestock activity sponsor  
140 or an equine or livestock professional under liability provisions  
141 as set forth in products liability laws.

142           **SECTION 4.** Section 95-11-7, Mississippi Code of 1972, is  
143 amended as follows:

144           95-11-7. (1) Every equine or livestock activity sponsor and  
145 every equine or livestock professional shall post and maintain  
146 signs which contain the warning notice specified in subsection (2)  
147 of this section. Such signs shall be placed in a clearly visible  
148 location on or near stables, corrals or arenas where the equine or  
149 livestock activity sponsor or the equine or livestock professional  
150 conducts equine activities or livestock shows. The warning notice  
151 specified in subsection (2) of this section shall appear on the  
152 sign in black letters, with each letter to be a minimum of one (1)  
153 inch in height. Every written contract entered into by an equine  
154 or livestock professional or by an equine or livestock activity  
155 sponsor for the providing of professional services, instruction or  
156 the rental of equipment or tack, or an equine or livestock  
157 participant, whether or not the contract involves equine  
158 activities or livestock shows on or off the location or site of  
159 the equine or livestock activity sponsor's or the equine or



160 livestock professional's business, shall contain in clearly  
161 readable print the warning notice specified in subsection (2) of  
162 this section.

163 (2) The signs and contracts described in subsection (1) of  
164 this section shall contain the following warning notice:

165 WARNING:

166 Under Mississippi law, an equine or livestock activity  
167 sponsor or an equine or livestock professional is not  
168 liable for an injury to or the death of a participant in  
169 equine activities or livestock shows resulting from the  
170 inherent risks of equine activities or livestock shows,  
171 pursuant to this chapter.

172 (3) Failure to comply with the requirements concerning  
173 warning signs and notices provided in this section shall prevent  
174 an equine or livestock activity sponsor or equine or livestock  
175 professional from invoking the privileges of immunity provided by  
176 this chapter.

177 **SECTION 5.** This act shall take effect and be in force from  
178 and after July 1, 2003.

